



WEEKLY REPORT

State Senator Gary Nodler
District 32



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Week of April 3, 2006

Success Times Three

JEFFERSON CITY— Three of my bills this week were granted final passage by the Senate. The legislation deals with varying areas of Missouri law affecting the commercial-trucking industry, civil litigation and local school districts. All three will now be similarly considered in the House, and if approved, will head to the governor's desk to be signed into law.

Current Missouri law exempts from sales tax certain semi-trucks and trailers used by certain carriers solely in the transportation of persons or property for the purpose of interstate commerce. Because the trucking industry that operates within Missouri's borders is just as important as that which crosses state lines, I drafted Senate Bill 696 to add *all* motor vehicles licensed to carry 24,000 pounds or more or trailers used by common carriers in the transportation of persons or property to the list of sales-tax exemptions. Because this will level the field for the commercial-transportation industry, area trucking companies are on board with the measure. This act also exempts contractors from paying sales taxes on materials used in Department of Transportation projects after June 30, 2007.

Another of my bills to advance is Senate Bill 798, which authorizes the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects to impose civil penalties against licensed and unlicensed individuals who practice architecture, engineering, land surveying or landscape architecture.

As Missouri law stands now, licensed architects, engineers, land surveyors or landscape architects who commit an infraction are penalized by losing their license, which means they forfeit their livelihood. Because not every infraction is worthy of such an extreme penalty, this measure authorizes the board to instead impose appropriate fines against the violator. Current Missouri law does not include any sort of penalties for those who commit infractions and are unlicensed in the aforementioned areas. My bill allows the board to fine the unlicensed party \$5,000 for each day of violation, with a maximum penalty of \$25,000.

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The third measure to pass the Senate was Senate Bill 894, which will hold public school districts accountable for the education they provide to their students. More than 200 districts are suing the State of Missouri because they say the school funding formula is unconstitutional, even though legislators last year successfully rewrote the formula to allocate state funds based on student needs rather than districts' financial assets. The school districts still in the lawsuit refuse to acknowledge that their local efforts are insufficient and instead are trying to draw more money from the state to make up for low local-levy contributions.

The school districts that are plaintiffs in the lawsuit assert that the state and local communities are obligated to ensure adequacy in public education. I agree. With the new foundation formula, the state has done its part, and now it is up to the districts to do theirs. My bill respects the claims made in the lawsuit by calling on these school districts to shoulder their own fiscal responsibility in providing students with the resources needed to learn. Under the legislation, low-levy school districts will have to examine their performance and tell the Department of Elementary and Secondary Education (DESE) whether their students are receiving an adequate education. Low-levy school districts are districts with levies set below the performance levy determined by the state's foundation formula.

If a low-levy school district certifies itself as a provider of adequate education, then nothing would change, except that the district would no longer have standing to sue the state on adequacy grounds. If a low-levy school district reports that its students are *not* receiving an adequate education, this bill recognizes that this condition stems from inadequate local effort. The district will have to look at what can be done on the local level and perhaps consider raising the levy to make up for the deficiency. This legislation requires school districts to take earnest fiduciary responsibility for the quality of education they are providing instead of merely shifting the blame onto the state, which results in a bigger burden for all Missouri taxpayers.

Once the measure is signed into law, low-levy school districts will need to accept some responsibility for the quality of education they provide. If the education they provide is adequate, they should withdraw from the lawsuit. Those that believe they are not providing an adequate education for their students will examine ways to increase local support, or join with a district that will properly educate our youth.

Because the measure is backed by DESE and many Missouri educators, I am confident that the House will pass the measure so we can succeed in eliminating present and future obstructions to education in Missouri.

*Senator Gary Nodler represents the people of
Newton, Jasper and Dade counties in the Missouri Senate*